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ORIGINAL
 IN THE UNITED STATES DISTRICT COURT
 FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JOHN RICHARD JAE,

Plaintiff

v.

KENNETH D. KYLER, individually, and
in his official capacity, et al.,

Defendants

No. 1:CV-00-0315

(Judge Rambo)

(Magistrate Judge Smyser)

FILED
HARRISBURG, PA

MAR 13 2001

MARY E. D'ANDREA, CLERK
Per Deputy Clerk

**DEFENDANTS' BRIEF IN OPPOSITION TO PLAINTIFF'S
MOTION FOR SANCTIONS**

PROCEDURAL HISTORY

This is a civil rights action brought pro se by John Richard Jae, an inmate currently incarcerated at the State Correctional Institution at Greene (SCI-Greene). Defendants are various present and former officials at the State Correctional Institution at Camp Hill.

This action was originally commenced in January 2000 in the Court of Common Pleas of Cumberland County. Defendants removed the action to this Court on February 22, 2000. The complaint alleged violations of the First, Eighth and Fourteenth Amendments, as well as, state law claims. Regarding plaintiff's constitutional claims he asserted that he had been denied legal materials and religious literature, that he had been denied showers and exercise and that he had been subjected to poor ventilation and excessive heat in his cell (Complaint ¶¶ 1, 10-16, 17-19, 20-21, 23-27).

After defendants objected to a document request as outside the discovery period, Jae moved to compel production of documents. The magistrate judge assigned to this matter granted the motion on December 27, 2000, and directed defendants to produce the documents within ten

days of the order. The documents at issue were (1) RHU 17x quarters cards from April 24, 2000, to June 6, 2000, (2) the RHU property Officer's notes from November 20, 1999 to May 24, 2000, and (3) Jae's medical records from April 23, 2000 to May 1, 2000.

Counsel did not provide the documents to Jae within the time set forth in the order of the magistrate judge. The documents, however, have been delivered to Jae.

Before the court is Jae's motion for sanctions. This brief is submitted in opposition to Jae's motion.

STATEMENT OF FACTS¹

Counsel for defendants received this Court's Order directing defendants to provide documents in response to plaintiff's second set of requests for production of documents on December 27, 2000. The Order directed that the documents be provided within ten days, which under Fed.R.Civ. P. 6 was January 11, 2001. At the time counsel received the Order, the plaintiff, John Richard Jae, was housed in the State Correctional Institution at Greene. He had been transferred there from SCI-Camp Hill on October 24, 2000.

Counsel was initially unable to contact the appropriate staff member at SCI-Greene until January due to holiday vacations. On January 22, 2001, counsel received a package of materials from SCI-Greene pertaining to the Jae case, which he believed were complete responses to the discovery request. Counsel discovered, however, that he had been sent DC-17 forms, which were Jae's "Conduct Record" and not the DC-17x, which was his adjustment record which he had requested. In addition, the medical records sent were incomplete in that these records did not

¹This statement of facts is based upon the Unsworn Declaration of Michael L. Harvey, attached hereto.

include all the dates requested by Mr. Jae.

Jae was transferred to the mental health unit of SCI-Pittsburgh on January 18, 2001 and counsel then contacted staff at SCI-Pittsburgh to obtain Jae's DC-17x forms and his complete medical records. Counsel was subsequently told that Jae's DC-14 file which contained his DC-17x forms could not be located in SCI-Pittsburgh. He was further told that, because this was a temporary transfer, it was possible that Jae's DC-17x forms could still be at SCI-Greene. SCI-Pittsburgh staff, however, were able to locate Jae's medical records, and on February 9, 2001, counsel received Jae's complete medical file.

Counsel contacted the litigation coordinator at SCI-Greene, and was initially informed that Jae's DC-14 file could not be found at SCI-Greene. He contacted staff at SCI-Camp Hill to see if the DC-14 may have been sent there. Counsel was later informed that the DC-14 was located at SCI-Greene, and he received the DC-17x forms on February 21, 2001.

When counsel prepared the documents for mailing he discovered that Jae's medical record lacked dispensary cards and he believed this may have been an oversight. Jae was then transferred back to SCI-Greene on February 22, 2001, and counsel contacted the litigation coordinator at SCI-Green to check to see if there were any dispensary cards for the time period Jae had requested. After a few days, he received confirmation that there were no dispensary cards for time period covered in Jae's request.

On March 1, 2001, counsel mailed to Jae the documents sought in his document request.

STATEMENT OF QUESTION INVOLVED

Should plaintiff's motion for sanctions be denied where defendants have substantially complied with the Court's order and the plaintiff has not been prejudiced?

ARGUMENT

PLAINTIFF'S MOTION FOR SANCTIONS SHOULD BE DENIED WHERE DEFENDANTS HAVE SUBSTANTIALLY COMPLIED WITH THIS COURT'S ORDER AND THE PLAINTIFF HAS NOT BEEN PREJUDICED.

Plaintiff seeks sanctions under Fed.R.Civ.P. 37(b) alleging that defendants, through counsel, failed to timely comply with a court order compelling discovery. Specifically, Jae requests that defendants be fined, and that Jae be awarded the costs of this motion for sanctions.

Generally, the imposition of sanctions, and the choice of an appropriate sanction under Rule 37, is a matter committed to the second discretion of the trial court. Howes v. Medical Components, Inc., 698 F.Supp. 574, 580 (E.D. Pa. 1988). The presence of willfulness or bad faith, while not conclusive, is a relevant factor in this determination. Id.; see Wright and Miller, Federal Practice and Procedure: Civil §2291.

In some circuits, "substantial compliance with a court order is a defense to an action for civil contempt. . .[i]f a violating party has taken 'all reasonable steps' to comply with the court order, technical or inadvertent violations of the order will not support a finding of civil contempt." General Signal Corp. v. Donallco, Inc., 787 F.2d 1376, 1379 (9th Cir. 1986); see United State Steel Corp. v. United Mine Workers, 598 F.2d 363, 368 (5th Cir. 1979); Washington Metropolitan Area Transit Authority v. Amalgamated Transit Union, 531 F.2d 617, 621 (D.C. Cir. 1976). Whether substantial compliance is a defense to civil contempt is still undecided in the Third Circuit. See Robin Woods Inc. v. Woods, 28 F.3d 396, 399 (3d Cir. 1994) (stating that even if the court were to recognize substantial compliance as a defense to contempt, it would not apply in that case). However, district courts have accepted substantial compliance as a defense. See Haldeman v. Pennhurst State Sch. & Hosp., 154 F.R.D. 594, 608 (E.D.Pa.1994);

Merchant & Evans, Inc. v. Roosevelt Building Products Co., Inc., No. 90-7973, 1991 WL 261254, at *1 (E.D. Pa. Dec. 6, 1991).

“There is general support for the proposition that a [party] may not be held in contempt as long as it took all reasonable steps to comply.” Harris v. City of Phila., 47 F.3d 1311, 1324 (3d Cir. 1995). The respondent must “show that it has made ‘in good faith all reasonable efforts to comply.’” Id (quoting Citronelle-Mobile Gathering, Inc. v. Watkins, 943 F.2d 1297, 1301 (11th Cir. 1991)).

Here, counsel took reasonable steps to comply with the Court order. As set forth, in the attached declaration, however, errors in identifying and mailing the correct documents and plaintiff’s several transfers resulted in multiple unforeseen delays in counsel obtaining the documents so that he could forward them to Jae. Moreover, Jae now has the documents and is able to use them in his response to defendants’ motion for summary judgment which is now due on May 4, 2001. Thus has not been prejudiced by the delay.

Accordingly, the fine and payment of costs are not appropriate in this case and Jae’s request for the documents is now moot. The motion for sanctions should be denied.

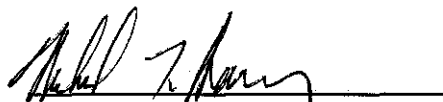
CONCLUSION

For the foregoing reasons, plaintiff's motion for sanctions should be denied.

Respectfully submitted,

D. MICHAEL FISHER
Attorney General

BY:


MICHAEL L. HARVEY
Senior Deputy Attorney General

SUSAN J. FORNEY
Chief Deputy Attorney General
Chief, Litigation Section

15th Floor, Strawberry Square
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DATE: March 13, 2001

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JOHN RICHARD JAE,

Plaintiff

v.

KENNETH D. KYLER, individually, and :
in his official capacity, et al., :

Defendants :

No. 1:CV-00-0315

(Judge Rambo)

(Magistrate Judge Smyser)

UNSWORN DECLARATION OF MICHAEL L. HARVEY

I, Michael L. Harvey, hereby declare under penalty of perjury that the following is true and correct based upon my personal knowledge and my review of my office mail log and the Department of Corrections Inmate Record System:

1. I received this Court's Order directing defendants to provide documents in response to plaintiff's second set of requests for production of documents on December 27, 2000. The Order directed that the documents be provided within ten days, which under Fed.R.Civ. P. 6(a) was January 11, 2001.

2. At the time I received the Order, the plaintiff, John Richard Jae, was housed in the State Correctional Institution at Greene. He had been transferred there from SCI-Camp Hill on October 24, 2000.

3. I was unable to contact the appropriate staff member at SCI-Greene until January due to holiday vacations.

4. I informed the litigation coordinator there of the documents I required.

5. On January 22, 2001, I received a package of materials from SCI-Greene pertaining to the Jae case, which I believed were complete responses to my request.

6. I discovered, however, that I had been sent DC-17 forms, which were Jae's "Conduct Record" and not the DC-17x, which was his adjustment record which he had requested. In addition, the medical records sent were incomplete in that these records did not include all the dates requested by Mr. Jae.

7. Jae was transferred to the mental health unit of Pittsburgh on January 18, 2001.

8. I then contacted staff at SCI-Pittsburgh to obtain Jae's DC-17x forms and his complete medical records.

9. I was subsequently told that Jae's DC-14 file which contained his DC-17x forms could not be located in SCI-Pittsburgh. I was told that, because this was a temporary transfer, that it was possible that Jae's DC-17x forms could still be at SCI-Greene. SCI-Pittsburgh staff, however, were able to locate Jae's medical records, and forwarded them to me.

10. On February 9, 2001, I received Jae's complete medical file.

11. I contacted the litigation coordinator at SCI-Greene, and was initially informed that Jae's DC-14 file could not be found at SCI-Greene. I contacted staff at SCI-Camp Hill to see if the DC-14 may have been sent there.

12. I was later informed that the DC-14 was located at SCI-Greene, and I received the DC-17x forms on February 21, 2001.

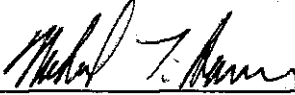
13. When I prepared the documents for mailing I discovered that Jae's medical record lacked dispensary cards and I believed this may have been another oversight.

14. Jae was then transferred back to SCI-Greene on February 22, 2001.

15. I contacted the litigation coordinator at SCI-Greene to check to see if there were any dispensary cards for the time period Jae had requested. After a few days, I received confirmation that there were no dispensary cards for time period covered in Jae's request.

16. On March 1, 2001, I mailed to Jae the documents sought in his document request.

Attached hereto is a true and correct copy of what I sent him.



MICHAEL L. HARVEY
Senior Deputy Attorney General

Executed on: 3/13/01



COMMONWEALTH OF PENNSYLVANIA
OFFICE OF ATTORNEY GENERAL

March 1, 2001

MIKE FISHER
ATTORNEY GENERAL

REPLY TO:
15th Floor, Strawberry Square
Harrisburg, PA 17120
PHONE: (717) 783-6896
FAX: (717) 772-4526

John Richard Jae, BQ-3219
SCI-Greene
175 Progress Drive
Waynesburg, PA 15370-2902

RE: Jae, John Richard v. Kyler, et al
No. 1:CV-00-0315

Dear Mr. Jae:

Enclosed please find the documents requested in your second request for production of documents dated September 24, 2000:

1. Plaintiff's RHU 17x quarters cards from April 24, 2000, until June 6, 2000.
2. Any notes taken by the RHU property officer from November 20, 1999 until May 24, 2000, concerning the plaintiff's property.
3. Plaintiff's prison medical records from April 23, 2000, until May 1, 2000 including physician's orders, progress notes and x-ray reports. There are no dispensary cards in plaintiff's medical records for the time period requested.

Very truly yours,

A handwritten signature in black ink, appearing to read "Michael L. Harvey".

MICHAEL L. HARVEY
Senior Deputy Attorney General

MLH/cmt
Enclosures

FORM DC-17X

ADJUSTMENT
RECORDCOMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF CORRECTIONS☐ DISCIPLINARY CUSTODY
☐ ADMINISTRATIVE CUSTODYDC NO. 003217 NAME Jae, John☐ MAXIMUM ☐ CLOSEREMARKS _____ Date Received _____ Block Received From _____
Cell No. 1234 Placed By _____
Date Released 02-57 Released By _____

DATE	TIME	COMMENT	OFFICER'S SIGNATURE
		Given RHU set-up + rules and regulations	
4-5-00	1900	Continued DC Removals and set-up	<i>[Signature]</i>
4-5-00	1230	Placed in Law Library	<i>[Signature]</i>
4-10-00		CONTACT: MOVED TO BACK OF TIER 4 HAS BEEN QUIET SINCE. PSYCHOLOGIST IS ATTEMPTING TO TRANSFER HIM TO WAYMART ICD, AS NOTED ON BY PRT. GOOD BEHAVIOR ONLY LAST SO LONG AS EVERYONE WAITS FOR EXPANSION. DC-TIME TO 3-2003. <i>[Signature]</i>	
4-23-00	2-10	REFUSED to Give up Cell Cleaning Materials DC141	COL. LR Smith
4-23-00	2-10	REFUSED to Give up Cell Cleaning Materials DC141	COL. LR Smith
4-23-00	2-10	THREATENING STAFF DC141	Col. COLE
4-23-00	2-10	REC'D DC-141 FOR SPITTING ON STAFF	COL. LR. SMITH
4-23-00	2-10	REC'D DC-141 FOR THREATENING STAFF	COL. COCK
4/23/00	2215	INMATE JAE DID SWALLOW STAPLES IN FRONT OF THIS OFFICER AND STATED THAT HE WAS GOING TO KILL HIMSELF TONIGHT <i>[Signature]</i>	
4/24/00	1430	Spoke w/ JAE. Discussed alternative behavior "STAGED" for attention - do Recommend in the given his Behav. at 16:00 hrs. to "PACIFY" / 22:00	<i>[Signature]</i>
4/24/00	1705	Helmet + Handcuffs + Waist shackles	<i>[Signature]</i>
4/24/00		FLOODED TIER - WATER RESTRICTION STARTED ^{DC141}	<i>[Signature]</i>
4/24/00		MOVED to B104 UNABLE to shut WATER OFF DUE to BROKEN OR JAMMED WATER Panel	<i>[Signature]</i>
4/24/00		REMOVED Helmet 2ND Helmet placed BROKE 1st	<i>[Signature]</i>
4/24/00		REMOVED 2ND Helmet tore padding out	<i>[Signature]</i>
4/24/00		NOTIFIED DR. CLARK. DR. CLARK SAYS REMOVE HELMET.	<i>[Signature]</i>
4/24/00		DC141 A233235 FOR Refusing to OBEY ORDER to CUFF up.	<i>[Signature]</i>

BLO4 JHE BQ 3214

DATE	TIME	COMMENT	OFFICER'S SIGNATURE
4/24/00		DC141 A233236 FOR Flooding tier	C. P. Costa
4-24-00	10-6	Inmate spitting at this officer while I made a security round. Threatened this officer stating "I'll Kill You if I see you in population". May remove shackles.	C.O. R. P. Stender R. Clunk J. M. N...
4/27/00	1200	Lost all day	
4/28/00	0600	Unruly all day. Threw toilet water on COT Lester. Threatening staff all morning. Quite unstable.	J. M. N...
4/30/00	0910	THROWING TOILET WATER ON OFFICER MISCONDUCT # A-233259	COSTER
5/1/00	0915	Refused Am medication & ear flush Tx - R. P. Stender	
5-2-00		PRC/CONTACT: TRANSFER PETITION INPUT TO MOVE HIM TO SOL & THEN ICU IN WAYMART. THERE ARE SHORT INTERIMS WHEN HE BEHAVES. BUT NOT IS IT. CONTINUE ON D/C TIME.	J. M. N...
5-2-00	1610	Continue DC	J. M. N...
5-3-00	0830	RC Continue DC. Review again in 30 days inmate requested property, hearing, religious, medical, requested a shower.	R. M. N...
5-3-00	1250	This inmate was given a 9 inch stack of loose legal papers that the staples had been removed. This inmate became very disruptive and stated that you gave me the wrong paper. I then told this inmate that this is the paper work that I removed the staples out of so that you don't eat them. You will receive more paper legal papers tomorrow after I get the staples taken out of it's rest of it. This inmate then started to throw the papers that I gave him out on the tier. This inmate was ordered by Sgt Wells to stop this action several times. This inmate did not comply. This inmate received a misconduct # A233284	C. W. R...
5-5-00		PER Lt. PORTERFIELD INMATE is to be Removed From Total Restriction. As long as behavior continues to improve	C. P. Costa

B03214 Jae

B103

DATE	TIME	COMMENT	OFFICER'S SIGNATURE
6-20-00		INMATE FLOODED TIER DCH1 ISSUED ANGRY BECAUSE HE DIDN'T RELIEVE THE SAME INMATE.	C. K. Carr
7-19-00		Rec'd from Temp Transfer	
7-24-00		Ordered by Lt. Pontefield to stay off his Gate and to cease h. yelling	C. K. Carr
7/26	P.R.L.	Cont D.C. Review in 4 WKS.	
8-1-00	2-10	LOUD ON GATE AGAIN.	J. K. Carr
8-1-00	2140	ORDERED TO STOP YELLING OUT OF HIS GATE	M. K. Carr
8-7-00		CONTACT: BEHAVIOR HAS BEEN GOOD FOR HIM. TIME WILL IS THE FIRST TIME EVER THAT HE DIDN'T ASK A FAVOR	T. K. Carr
8-9-00	2-10	LOUD ON GATE ORDERED TO STOP YELLING DURING THE TIER	M. K. Carr
8/10/00	0930	Refused am med	H. Byrnes
8-10-00	1730	Inmate's papers were not approved to come in. Talked with the mailroom supervisor and the papers were approved	F. J. Smith
8-10-00	1725	DCH1 #35	C. K. Carr
8-15-00		CONTACT: EVERYBODY IS BAD & HE IS THE VICTIM. GOT ANOTHER MISCONDUCT - IT WAS ONLY A MATTER OF TIME.	J. K. Carr
8-16-00		Ordered to cease all loud and bawling behavior	C. K. Carr
8/18/00	0930	Unable to do fx due to inmate being very angry - supplies given	H. Byrnes

EXCHANGED Rol + Legal Ruler
1-30-00

ISSUED 20 SHEETS OF TYPING
PAPER Pen Lt funk

2-29-00 Ruler
2-13-00 PROPERTY EXCHANGE Ruler

3 BROWN file BRIEFCASE (CARDBOARD)
Placed IN PROPERTY 3-19-00
Ruler

3-16-00 Legal + Rol EXCHANGE Ruler

Returned 3- Religion Books wanted
Ruler 3 in place when they come in
3-21-00 PLACED MARCH ISSUE OF GLOBE ENCLP

4-27-00 GLOBE PLACED IN PROP Ruler

4-27-00 PLACED EYEGLASSES IN PROPERTY Ruler

4-28-00 STARTED REMOVING STAPLES FROM
ALL OF JAE'S CELL PROPERTY (per
Lt Rivas)

5-3-00

Returned 6"

of loose legal
papers, He now

~~has a full box now~~

Returned ~~what~~

~~legal / Rol / 2000~~

to Tac 5-12-00

Rager

(Has a full Box now)

4-28-00 Returned

2 Shorts

2 Undershirts

1 PR Shower Shoes

1 PR Socks

9" Leggs

8 LAW BOOKS

1 Pen

hard Book

5-25-00 SPent 30min looking Thru legal Boxes Per PRC Dep ~~Palakovich~~ ^{Palakovich}

6-3-00 JAE started to sort property for T.T. Rindall Time 1/2 (Officer Jones Escort)

6-4-00 (Raber + Rindall) Had JAE down to finish sorting property. JAE did agree to 4 Box Limit on Property Per Policy. He placed misc papers + Booklets, Books in TRASH BAG. THEN later Refused to sign the Confiscation Items slip.

6-4-00 Rindall

7-18-00 Ret to RHU. left with 2 Boxes Ret with 3 Boxes

7-25-00 Received Hearing Aid Per Lt. Lady

7-28-00 JAE Down stairs going Thru legal Picking his mat. out 1-Box (legal + Rec)

7-28-00 Re Issue 1-Box legal mat. ^{stayed that some may be in his Bed At Wainwright}

2. Shirts 1. Shower Shoes

2 Shorts 2 Socks Bibs, 1 comb

mailed 1 Box out Now Back to 4 Per Policy

7-29-00 Received a' of misc papers trash for disposal

7-30-00 Issued approx. 2" legal Paper + Rec. 2" also 2 ^{empty} folders

7-28-00 Placed 1 known Project Envelope in bag (post pd)

7-28-00 Per PRC. Plouville JAE to look for legal papers JAE Assisted Property Officer didn't get legal papers

PROGRESS NOTES

[] Outpatient

[] Inpatient

Date/ Time	Prob #	Discipline Abbreviation	Remarks Subjective, Objective, Assessment, Plan
4/23/00 9:00		NSG	S-I have green stuff draining from my low O: Unable to assess - light in cell pool and shield on door. A- P- Reft PA / seek here Rose Myerson RN
4/23/00		NSG 2300	S- "I'm hungry for staples." O- Came to cell dm. No obvious bleeding. Refused to have mouth examined. No mention of suicide - but still bleed from the staples. A: Wounded. P: Placed in POC by security. John Wozniak
4/23/00		NSG 2300	DR. LASKY notified of inmates behavior and swallowing of STAPLES. DR. LASKY ADVISED REMOVING ARTICLES THAT CONTAIN STAPLES ETC. SECURITY NOTIFIED PER CPT. BEASTON, INMATE TRANSFERRED TO POC TO PROVIDE SAFE ENVIRONMENT. James L. Allans
4/24/00		NSG 0010	Received CALL FROM CPT. BEASTON REGARDING POC PLACEMENT. Evidently INMATE REFUSED ORDER to be moved from cell OR to POC, I WAS ASKED to EVALUATE INMATE AGAIN to see if he could REMAIN in his cell OR would have to be EXTRACTED cont. James L. Allans

Progress Notes
Commonwealth of Pennsylvania
Department of Corrections
DC-472

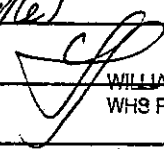

Inmate Name:
Inmate Number:
DOB:
Institution:

Jae, John
BQ 3219
1/3/60
Camp Hill

PROGRESS NOTES

[] Outpatient

[] Inpatient

Date/ Time	Prob #	Discipline Abbreviation	Remarks Subjective, Objective, Assessment, Plan
4/25/00	1200		Doctor note
		S	seen at request of Dr. Wsky. also on sick line
			Inmate reports losing it.
			as a result he started swallowing his staples
			also c/o green drainage out of A.S.
		O.	fluid in orifices. no earlobe tenders
			or/ok neck suppl
			lungs clear heart neg
			abd soft BS+ no tenders
		A.	ingestion of staples, as documented by HSH-EK
			on his extreme
		P	will start drops & monitor for
			complications of staples
			
			WILLIAM YOUNG, MD WHS PRIMARY PHYSICIAN
4/25/00	NSG		RH called dispensary to notify medical that
			inmate was "bringing this in." C. Newfield
			referred medical to call psychology to
			evaluate inmate. Andrew Priori PSS notified of
			inmate's behavior and will refer to Mr. Bailey
			to evaluate inmate in room. Will notify medical if needed.
			

Progress Notes
Commonwealth of Pennsylvania
Department of Corrections
DC-472

Inmate Name: JAE, John
Inmate Number: BQ 3219
DOB: 1-3-60
Institution: SCI CAMPHILL

PROGRESS NOTES

[] Outpatient

[] Inpatient

Date/ Time	Prob #	Discipline Abbreviation	Remarks Subjective, Objective, Assessment, Plan
4/27/00	1030	Doctor Line	<p>signed up for sick line - had a BM yesterday but didn't find staples</p> <p>asking about ear drums</p> <p>exam some other AS</p> <p>sores unchanged</p> <p>lungs clear heart ng abd soft</p> <p>abdomen cont Runtist from cuff.</p> <p>observing.</p>
4/28/00	1358	Doctor Line	<p>in follow up.</p> <p>S C/O sore lesions murkiss</p> <p>O Exam onlook seen some apparent fungal growth</p> <p>lungs clear heart ng</p> <p>abd soft</p> <p>numerous sores on arms legs trunk, wrists</p> <p>A/P numerous 2° infected lesions heavily</p> <p>on 7/28/00 apparently fungal</p> <p>ingestum staples will check xray</p>

WILLIAM YOUNG, MD
WHS PRIMARY PHYSICIAN

WILLIAM YOUNG, MD
WHS PRIMARY PHYSICIAN

Progress Notes
Commonwealth of Pennsylvania
Department of Corrections
DC-472

Inmate Name: JAE, John
Inmate Number: BQ 3219
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IN THE UNITED STATES DISTRICT COURT
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JOHN RICHARD JAE,

Plaintiff

v.

KENNETH D. KYLER, individually, and
in his official capacity, et al.,

Defendants

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:

No. 1:CV-00-0315

(Judge Rambo)

(Magistrate Judge Smyser)

CERTIFICATE OF SERVICE

I, Michael L. Harvey, Senior Deputy Attorney General, hereby certify that on this date I caused to be served the foregoing, Defendants' Brief in Opposition to Plaintiff's Motion for Sanctions by depositing a copy of the same in the United States Mail, postage prepaid, in Harrisburg, Pa., addressed to the following:

John Richard Jae, BQ-3219
SCI-Greene
175 Progress Drive
Waynesburg, PA 15370-2902


MICHAEL L. HARVEY
SENIOR DEPUTY ATTORNEY GENERAL

DATE: March 13, 2001